

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
Respondent	:	
	:	Criminal No. 1:08-CR-104
v.	:	
	:	(Chief Judge Kane)
KEVIN JUDAS COLEMAN, SR.,	:	
Petitioner	:	

MEMORANDUM ORDER

Pending before the Court is Petitioner Kevin Judas Coleman, Sr.’s request for sentencing transcripts. (Doc. No. 61.) Petitioner avers that the transcripts are necessary in order for him to appeal the Court’s final order denying his motion under 28 U.S.C. § 2255. (*Id.* at 1-2.) To date, Petitioner has not filed an appeal. Pursuant to 28 U.S.C. § 753(f), “[f]ees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriate for the purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.”¹ In this case, Petitioner’s request simply states that he needs the transcript to “comply with the Court’s order dated February 15, 2011” granting Petitioner an extension of time to file an appeal. (Doc. No. 61 at 1.) The motion does not provide any insight into the basis for Petitioner’s appeal. Moreover, in the Court’s order denying Petitioner’s § 2255 motion, the Court found that reasonable jurists would not disagree with the Court’s assessment of Coleman’s claims and

¹ By order dated February 15, 2011, the Court granted Petitioner an extension of time to file a notice of appeal pursuant to Federal Rule of Appellate Procedure 4(a)(5)(A)(i). (Doc. No. 60.) Petitioner must file his appeal on or before March 9, 2011.

ordered that a certificate of appealability shall not issue. (Doc. No. 57 at 18.) Absent information as to the arguments Petitioner wishes to raise on appeal, and in light of the Court's denial of a certificate of appealability, the Court cannot certify that the appeal is not frivolous. Further, because Petitioner has not provided the Court with any insight into his appeal, the Court cannot certify that the transcripts are "needed to decide the issue presented by the appeal." 28 U.S.C. § 753(f). Therefore, the Court declines to authorize payment for the transcripts at this time.

ACCORDINGLY, on this 8th day of March 2011, upon consideration of Plaintiff's request for transcripts (Doc. No. 61), **IT IS HEREBY ORDERED** that the request is **DENIED** without prejudice.

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania